

Application No. 09/724,336
Amendment dated September 21, 2006
Response to Office Action of June 21, 2006

Atty. Docket No. 042390.P9919
Examiner Reilly, Sean M
TC/A.U. 2153

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1-6, 9-16, 20-22, and 27 have been amended. No claims have been added or canceled. Thus, claims 1-31 are pending.

Interview Thanks

The undersigned thanks the Examiner for taking the time to discuss the present matter. As discussed, claim 1 series claims and corresponding claim 12 series claims have been amended to recite (among other things) "a first resource of a first type and a second resource of a second type" and also determining efficiency ratings for obtaining these first and second types of resources from various servers. Thus, for example, if a client contacts a server for a web page with links to resources, based on the determined efficiency for different resource types, the client may receive a web page constructed with references to servers most efficient for providing the resources to the client.

As discussed with the Examiner the recited providing web pages (or other resources) which contain links directing the client to contact other servers based on resource type efficiency ratings as recited is different over the art of record and is believed to be allowable subject matter.

Regarding the current rejections, Applicants again respectfully traverse the rejections for reasons discussed previously, but believe the rejections moot in light of the foregoing amendments.

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35 USC §112

The rejection of claim 27 properly identifying the antecedent basis clerical error has been corrected by the amendments made to claim 27.

35 USC §103

Claims 1-5, 8, 10-15, 20-23, 26-28 and 31 stand rejected over the combination of Logan (US Patent No. 6,578,066) and Watson (US Patent No. 6,223,209).

Applicants thank the Examiner for the thoughtful reasoning in the Office Action. Regarding the rejection of claim series 1 and 12 including claims 1-21, it is believed the amendments render these claims moot in that the recited resource type efficiency ratings (e.g., "determining for a first server an efficiency rating indicating the first server is efficient at providing resources of at least the first type to the client" and "determining for a second server an efficiency rating indicating the second server is efficient at providing resources of at least the second type to the client") and directing a client to contact servers in accord with the resource efficiency ratings is not taught or suggested by the art relied on by the Office.

Claim series 22 and 27 have been amended to recite "determine a first and a second efficiency rating of communication respectively between the client and the first and the second server, said ratings including efficiency for accessing a resource type of the servers." As with claim series 1 and 12 it is submitted that efficiency determinations including efficiency of accessing various resources types is allowable subject matter.

Support for these amendments may be found, for example, in the FIG. 4 discussion which states:

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For example, if the returned resource is a web-page, and the web page is to include links 402 to streaming audio and/or visual data, links 404 to electronic commerce (e-commerce), links 406 to database resources, links 408 to telephony operations, etc., then these embedded web page links 402-408 can direct Client 1 to the network hosts 106-112 having highest efficiency for that resource.

Dependent claims 6, 9, 16 and 19 stand rejected as being obvious over Logan, Watson and Emens (U.S. Patent No. 6,606,643). Dependent claims 7, 17, and 18 stand rejected over Logan, Watson, Farber and Freeman (U.S. Patent No. 6,922,724). To allow prosecution to focus on the allowability of the base independent claims, the rejections of these claims are not being substantively reviewed at this time. However, it is noted these claims are allowable for at least the reason as depending from an allowable base claim.

Regarding allowed subject matter for claims 24, 25, 29, and 30, since no reason for allowability is present in the Office Action, **the Examiner is asked to identify reasons for allowability** so that these claims may be amended more efficiently to prepare for issuance.

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Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-31 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

Date: September 21, 2006

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